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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/410,511	09/30/1999	DARRELL SHIVELY	CISCO-1372	6966
49715	7590	08/09/2006	EXAMINER	
CISCO - THELEN REID & PRIEST LLP THELEN REID & PRIEST LLP P.O. BOX 640640 SAN JOSE, CA 95164-0640			BLAIR, DOUGLAS B	
			ART UNIT	PAPER NUMBER
			2142	

DATE MAILED: 08/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/410,511

Applicant(s)

SHIVELY ET AL.

Examiner

Douglas B. Blair

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 19-28 and 51-53 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4/2/01 and 12/27/2000
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. Claims 19-28 and 51-53 are currently pending in the application.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 19-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,877,036 to Smith et al. in view of U.S. Patent Number 6,259,705 to Takahashi et al..
4. As to claim 27, Smith teaches a program storage device readable by a machine, tangibly embodying a program of instructions executable by the machine to perform a method for a max sessions server of a data communications network to keep a count of sessions used at a given time by a group of users, said method comprising: assigning a unique identification value to each port of a network access server of the data communications network (col. 6, lines 14-51); maintaining a master list having plurality of entries, each entry containing at least a UIV for a port associated with a logged in user and a group identification for the logged in user (col. 6, lines 14-51); however Smith does not explicitly teach periodically check a network access server to determine if it has become non-operational; and responding to the non-operational status of a network access server by removing all entries for ports associated with the non-operational server and decrementing a count of ht session used by the number of removed entries.

Takahashi teaches a method of periodically check a network access server to determine if it has become non-operational; and responding to the non-operational status of a network access server by removing all entries for ports associated with the non-operational server and decrementing a count of ht session used by the number of removed entries (col. 5, line 37-col. 6, line 39).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Smith regarding a server for keeping track of sessions with the teachings of Takahashi regarding monitoring access servers because monitoring the status of servers allows changes to be accommodated instantly (Takahashi, col. 2, lines 38-47).

5. As to claim 19, it is rejected on the same basis as claim 27 because the method of claim 19 is identical to the method claimed in claim 27.

6. As to claim 20, Takahashi teaches a method wherein periodically checking is performed by an authentication, authorization and accounting server associated with a maximum session server (col. 5, line 37-col. 6, line 39).

7. As to claim 21, Takahashi teaches a method comprising transmitting a communication to another maximum sessions server on the data communications network to inform it of the non-operational status of a network access server (col. 5, line 37-col. 6, line 39).

8. As to claim 22, Takahashi teaches a method comprising receiving a communication from another maximum sessions server (col. 5, line 37-col. 6, line 39).

9. As to claims 23-26, they have similar limitations to claims 19-22 respectively and are thus rejected on the same basis as claims 19-22.

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10. As to claim 28, it is rejected on the same basis as claim 27 because claim 27 has narrower limitations than claim 28 (Sessions by the user can be considered a resource.).

11. Claims 51-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,877,036 to Smith et al. in view of U.S. Patent Number 6,259,705 to Takahashi et al. in further view of U.S. Patent Number 6,879,593 to Kunze et al.

12. As to claims 51-53, the Smith-Takahashi combination teaches the subject matter of claims 19, 27, and 28 including a unique identifier and a port identifier (cited portion of Smith); however the Smith Takahashi combination does not explicitly teach concatenating the unique ID and port number.

Kunze teaches assignment of a socket identifier including the concatenation of a port number with a unique identifier for an access server (col. 1, line 63-col. 2, line 3).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of the Smith-Takahashi combination regarding the management of a network access system with the teachings of Kunze regarding concatenating a port number with a network node identifier because concatenation is a common technique in socket programming (Kunze, col. 1, line 63-col. 2, line 3), such as the socket programming taught by Smith and Takahashi.

### ***Response to Arguments***

13. Applicant's arguments filed 5/22/2006 have been fully considered but they are not persuasive. The applicant argues the following points: a) Smith does not teach an entry containing a group identification for the logged in user; b) Takahashi does not teach decrementing

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the count of the sessions used by the number of removed entries that correspond to the group; and c) Takahashi does not each removing all entries for ports associated with the non-operational server.

14. As to point a), the claims do not describe anything about group information. They merely claim that users are parts of groups and that the server keeps track of group information. The group information in Smith is considered the IP address or the port number in the context of the applicant's claims.

15. As to point b), Takahishi teaches the removal of sessions when a network node goes down. Takahishi is relied upon to show that it would be obvious to remove sessions related to a network node that is no longer functioning and is not being relied upon to show the concept of "group" information.

16. As to point c), Takahashi teaches the monitoring of servers. If a server goes down then all ports associated with that server will also be down, thus by removing the entry for the server, Takahashi is also removing the entries for the ports.

### ***Conclusion***

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent Number 5,862,480 shows the concept of monitoring groups of user's network access (Figures 9-14 and corresponding text).

18. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas B. Blair whose telephone number is 571-272-3893. The examiner can normally be reached on 8:30am-5pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3800.

Douglas Blair  
August 5, 2006.

DBB



ANDREW CALDWELL  
PATENT EXAMINER